

NOTICE SENT: FINAL INTERLOCUTORY NONE
DISP PARTIES: _____
DISP CODE: CVD / CLS _____
REDACT PGS: _____
JUDGE RGH CLERK BD

Filed in The District Court
of Travis County, Texas

LM SEP 17 2013
At 3:55 M.
Amalia Rodriguez-Mendoza, Clerk

NO. D-1-GV-13- 001059

STATE OF TEXAS,
Plaintiff,

V.

1 SOLTECH INC.; SANDRA "SANDY"
FARDI; and HOSSEIN "ZAK" FARDI,
Defendants.

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261ST JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

THE STATE OF TEXAS, Plaintiff, acting by and through Attorney General GREG ABBOTT, has filed its Plaintiff's Original Petition ("Original Petition") in this cause seeking a Temporary and Permanent Injunction against Defendants ("Defendants"), and in the same Original Petition has presented its request for a Temporary Restraining Order against the Defendants.

The Court FINDS that Defendants may be violating §§ 17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act ("DTPA"), Tex. Bus. & Com. Code § 17.41 *et seq.* (West 2012), and the Court further FINDS that this action is in the public interest.

It appears from the facts set forth in Plaintiff's Original Petition and exhibits and sworn affidavits attached thereto that unless Defendants are immediately restrained from the acts prohibited below, Defendants will continue to commit such acts before notice can be given and a hearing can be held on the State of Texas' request for a Temporary Injunction.

IT IS THEREFORE ORDERED that Defendants, their officers, agents, employees, and attorneys, and all persons in active concert or participation with them, are hereby commanded to immediately desist and refrain from the following acts from the date of entry of this Order until the fourteenth day after entry or until further Order of this Court:

- a. Failing to clearly and conspicuously disclose on all marketing, advertising, solicitations, or other representations of any kind of solar panels, modules, or other solar power generating equipment, products or services, the national origin of the solar panels, modules, or other solar power generating equipment, products or services;
- b. Making representations of any kind, including but not limited to verbal or written representations, that Defendants' products, including but not limited to solar panels or modules, are "Made in USA," manufactured in the United States of America, or are assembled solely or largely from components made or manufactured in the United States of America; or making other representations of this kind regarding Defendants' products, unless those representations are factual;
- c. Representing that solar panels or modules offered for sale or sold by Defendants have met certification or testing requirements of any regulatory authority or body, or any testing authority or body, unless those representations are factual;
- d. Furnishing Chinese solar panels or modules to consumers if Defendants represented to that consumer that it would be furnished solar panels or modules that were manufactured in the United States of America;
- e. Representing that Defendants' products, including but not limited to solar panels or modules, meet or exceed the requirements of any state or federal law, regulation, or rule requiring that products be made in the United States of America or the State of Texas, unless those representations are factual;
- f. Representing that warranties covering Defendants' products, including but not limited to solar panels or modules; include rights, remedies, and terms of length or scope of coverage which they do not; and
- g. Destroying, transferring, hiding, secreting or moving to a location outside of the State of Texas any records, books, computers, ledgers, customer lists, electronic data of any kind, or any other records belonging to Defendants.

IT IS FURTHER ORDERED that the State of Texas shall have leave to take telephonic, video, written, and other depositions as well as leave asking Defendants to respond to a Request for Production prior to any scheduled Temporary Injunction hearing upon reasonable shortened notice to Defendants.

The Clerk of the Court shall immediately issue a TEMPORARY RESTRAINING ORDER in conformity with the law and the terms of this Order. This Order shall be effective without the execution and filing of a bond because Plaintiff, the State of Texas, is exempt from such bond under Tex. Civ. Prac. & Rem. Code § 6.001 and Tex. Bus. & Com. Code § 17.47(b).

Hearing on Plaintiff State of Texas' Application for a Temporary Injunction is hereby set for the 1st day of October, 2013, at 2:00 o'clock P..m.

SIGNED this 17 day of September 2013, at 3:45 o'clock P..m.


JUDGE PRESIDING

APPROVED AND ENTRY REQUESTED:


NANETTE DINUNZIO

Assistant Attorney General
Texas Bar No. 24036484
Office of the Attorney General
Consumer Protection Division
P.O. Box 12548
Austin, Texas 78711
Telephone: (512) 475-4654
Facsimile: (512) 463-1267

ATTORNEY FOR THE STATE OF TEXAS